

Page 1 of 2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Courtroom 940  
DATE: 2/22/2022  
TIME: 2:00

BEFORE: GARY R. BROWN, U.S. DISTRICT JUDGE

CASE: Civil Cause for Telephone Pre-Motion Conference  
21cv05688 LEACRAFT V. CANON U.S.A., INC.,

APPEARANCES: Plaintiff: **Mark S. Reich, Courtney Elizabeth Maccarone**

Defendant: **Richard H. Silberberg**

COURT REPORTER/FTR\*\*#: AT&T Conference 2:00-2:54

FILED  
CLERK

**Motion for: to dismiss (DE 10)**

**Movant: defendant**

3:19 pm, Feb 22, 2022

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**LONG ISLAND OFFICE**

Case called.

- Counsel for all sides present.
- Pre-motion conference held.

Parties to meet and confer and submit a schedule within 2 weeks.

Motion Schedule set. Motion served by:

Response served by:

Reply and all papers filed by:

- Discovery to proceed while motion is pending. Parties to contact Magistrate Judge assigned to the case to schedule an Initial Conference.
- Choose an item.
- Motion argued.
- The Court deems the motion made.
- Motion is Choose an item. (\*\* No written decision\*\*)
- Other: Motion is granted in part and denied in part. Express Warranty Claim is dismissed, Unjust Enrichment Claim is dismissed as duplicative. Motion denied as to the GBL Claims. Parties referred to the Magistrate Judge to arrange a discovery schedule.

Answer due within 30 days.

- The parties are to submit order on notice to all parties.
- Settlement discussed. Choose an item.
- Jury Selection and trial set for:

Page 2 of 2

Joint pretrial order due by:

\*\* To obtain a copy of the transcript counsel should contact the ESR department in Central Islip at (631) 712-6030. Instructions and forms for requesting a transcript can be found at <https://www.nyed.uscourts.gov/> under the *Court Information* tab.\*\*